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10/591,406	09/01/2006	Tomihisa Kamada	448252001800	2523

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

EXAMINER	
DAGLAWI, AMAR A	

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2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,406	KAMADA, TOMIHISA	
	Examiner	Art Unit	
	AMAR DAGLAWI	2618	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-16,18-27 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,9-16,18-27 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 3-7, 9-16, 18-27, 29-32 have been considered but are moot in view of the new ground(s) of rejection in view of the amendment filed 11/21/2008.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 3-7, 9-13, 15-16, 18-27, 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama (EP 0950 968 A1) in view of Okkonen et al (US 2004/0166839 A1).

With respect to claim 1, Takayama discloses a wireless communication terminal synchronization method in which data stored in a memory in each of plural wireless communication terminals is synchronized with each other, when a user selectively utilizes the plural wireless communication terminals by using a single subscriber information card, at least communicating operation in each of the wireless communication terminals being enabled by mounting thereon the subscriber information card that records subscriber information, the method comprising the steps of:

uploading from a first wireless communication terminal with the subscriber information card being mounted, to a server via a communication network, updated part of data which is stored in a memory in the first wireless communication terminal, in accordance with a user's request or automatically said uploading being performed with only data updated after the subscriber information card was mounted on the first wireless communication terminal while leaving the uploaded data in the memory in the first wireless communication terminal wherein said uploading is allowed to be executed at least under conditions that the user is confirmed to be an authenticated user of said subscriber information card and an authenticated user of the first wireless communication terminal (Fig.1, #100, #110, abstract, par [2106-2111])

updating contents in a user's data storage area with the data being uploaded, in the server (par [2111]);

downloading the data to a second wireless communication terminal via the communication network from the server, the data being confirmed in accordance with a user's request or automatically, as data to be downloaded to the second wireless communication terminal from the server, after the subscriber information card having been demounted is mounted on the second wireless communication terminal said downloading being performed with only data which is present in the storage area of the server and which is not present in the memory of the memory of the second wireless communication terminal wherein said downloading is allowed to be executed at least under conditions that the user is confirmed to be an authenticated user of said subscriber information card and an authenticated user of the second wireless communication terminal (Fig.1, par [2111-2115); and [The data updated and uploaded to the server is kept in the memory of the terminal 139 and the same data is downloaded to a terminal that differs when attaching the SIM card. Also, uploading occurs when authenticating the user after entering a code number that matches a code number stored in the nonvolatile memory] (See par [2111-2112])

updating the contents of the memory in the second wireless communication terminal, said uploading being performed with only data updated after the subscriber information card was mounted on the second wireless communication terminal, while leaving the uploaded data in the memory in the second wireless communication terminal, wherein said uploading is allowed to be executed at least under conditions that the user is

confirmed to be an authenticated user of said subscriber information card and an authenticated user of the second wireless communication terminal.(par [2111-2115]).

However, Takayama fails to teach said uploading being performed with only data updated after the subscriber information card was mounted on the first wireless communication terminal while leaving the uploaded data in the memory in the first wireless communication terminal even when the subscriber information card is dismounted from the first wireless communication terminal which is taught in the same field of endeavor by Okkonen (see Fig.5, par [0036-0042], Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Takayama the terminal with the agent as taught by Okkonen so as to determine any changes to SIM card.

With respect to claim 3, Takayama in view of Okkonen further teaches uploading is allowed to be executed at least under conditions that the wireless communication terminal that requested the uploading is confirmed to be a terminal being associated with said subscriber with said subscriber information card in advance (par [2109;2112, par [2115]).

With respect to claim 4, Takayama in view Okkonen further teaches the conditions are confirmed on the terminal side (par [2111-2115].

With respect to claim 5, Takayama in view of Okkonen further teaches the conditions are confirmed on the server side (par [2111-2115]).

With respect to claim 6, Takayama in view of Okkonen further teaches data attribute as a target of said uploading and said downloading is registered in advance and in each of the terminals only the data having the data attribute registered in each own terminal becomes the target of the uploading and the downloading (par [2106-2115])

With respect to claim 7, Takayama discloses A wireless communication system comprising plural wireless communication terminals at least communication operation of which is enabled by mounting a subscriber information card recording subscriber information, and a server that is connected with the wireless communication terminals via a communication network, said server comprising:

a communication interface which performs data communication with said wireless communication terminals via the communication network (Fig.1, #110, par [2106; 2109]).

a storage unit which includes a storage area to store a copy of the data stored in said plural wireless communication terminals (Fig.140, #14000, par [2106; 2109]); and a server side synchronization engine which synchronizes the data of a user stored in the wireless communication terminals and the data stored in the storage unit according to a request from any one of said wireless communication terminals (Fig.1, #110; par [2106;2109], par [2111-2115]) [When attaching SIM card to a different terminal data is downloaded and synchronization (data consistency between the plural mobiles) of the data is achieved];

each of the wireless communication terminals comprising:

a card reader which detachably mounts a subscriber

information card (Fig.140, #14001);

a wireless communication interface which is operable when said

subscriber information card is mounted (Fig.140; #14001; par [2111; 2112]);

a memory (Fig.140, #1501) which stores user data; and a terminal side synchronization engine (Fig.140, #14000) which requests execution of synchronization to said server after said subscriber information card is mounted, uploading or downloading of data being executed with said server as required said uploading being performed with only data updated after the subscriber information card was mounted on the wireless communication terminal leaving the uploaded data in the memory and said downloading being performed with only data which is present in the storage unit of the server and which is not present in the memory of the wireless communication terminal(par [2106-2115]); and at least either one of said server and each of said wireless communication terminals further comprising:

an authentication engine (SIM card, Fig.140, #14000) which allows only plural wireless communication terminals possessed by an identical user, to perform synchronization as to the user data of the user in the storage unit of said server (par [2106;2109], par [2111;2115]).

said authentication engine being adapted to allow synchronization to be executed at least under conditions that the user who requested the synchronization is confirmed to

be an authenticated user of said subscriber information card and an authenticated user of the terminal (par [2111-2115]).

However, Takayama fails to teach said uploading being performed with only data updated after the subscriber information card was mounted on the first wireless communication terminal while leaving the uploaded data in the memory in the first wireless communication terminal even when the subscriber information card is dismounted from the first wireless communication terminal which is taught in the same field of endeavor by Okkonen (see Fig.5, par [0036-0042], Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Takayama the terminal with the agent as taught by Okkonen so as to determine any changes to SIM card.

With respect to claim 9, Takayama in view of Okkonen further discloses said authentication engine confirms that the user of the terminal that requested the synchronization is an authenticated user of said subscriber information card on the basis of personal identification information being associated with said subscriber information card (par [2109; 2112], par [2115]).

With respect to claim 10, Takayama in view of Okkonen further teaches authentication engine (SIM card) confirms that the user is an authenticated user of the terminal on the basis of personal identification information being associated with the wireless communication terminal (par [2109; 2112], par [2115]).

With respect to claim 11, Takayama in view of Okkonen further teaches authentication engine allows executing the synchronization under conditions that the terminal that requested the synchronization is confirmed to be the terminal that is associated with the subscriber information card in advance (par [2109; 2112], par [2115]) [The confirmation occurs when attaching the SIM card to the terminal].

With respect to claim 12, Takayama in view of Okkonen further teaches authentication engine is provided in the terminal so as to store in a memory of the terminal the subscriber information card, and in performing authentication, it is checked whether the subscriber identification information of the subscriber information card mounted on the wireless communication terminal and the subscriber identification information stored in the memory of the terminal as a target for authentication match with each other, thereby confirming that the terminal requested the synchronization is a terminal being associated with said subscriber information card in advance (par [2109; 2115]).

With respect to claim 13, Takayama in view of Okkonen further teaches said authentication engine is provided in the terminal so as to store in the memory of the subscriber information card mounted on the terminal, the terminal identification information recorded in the terminal, and in performing authentication, it is checked whether any of the plural terminal identification information stored in the memory of the subscriber information card and the terminal identification information recorded in the terminal as a target of the authentication match with each other, thereby confirming that the terminal requested the synchronization is a terminal being associated with the

subscriber information card in advance (par [2109;2115]) [The confirmation occurs when attaching the SIM card to the terminal].

With respect to claim 15, Takayama discloses A wireless communication terminal at least communication operation of which is enabled by mounting a subscriber information card that records subscriber information, said terminal comprising:

a card reader which detachably mounts a subscriber information card (Fig.140, #14002);

a wireless communication interface which is operable when the subscriber information card is mounted (Fig.1, #140; #1517)

a memory means which stores user data (Fig.1, #1501); and a terminal side synchronization engine (Fig.140, #14000) which requests execution of synchronization to the server on the communication network after the subscriber information card is mounted, and executes uploading or downloading of data with the server as required said uploading being performed with only data updated after the subscriber information card was mounted on the terminal leaving the uploaded data in the memory and said downloading being performed with only data which is present in a storage unit of a server and which is not present in the memory of the terminal and wherein said synchronization engine allows the synchronization to be executed at least under conditions that the user of the terminal who requested the synchronization is confirmed to be an authenticated user of said subscriber information card and an authenticated user of the terminal(Fig.140, par [2106-2115]).

However, Takayama fails to teach said uploading being performed with only data updated after the subscriber information card was mounted on the first wireless communication terminal while leaving the uploaded data in the memory in the first wireless communication terminal even when the subscriber information card is dismounted from the first wireless communication terminal which is taught in the same field of endeavor by Okkonen (see Fig.5, par [0036-0042], Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Takayama the terminal with the agent as taught by Okkonen so as to determine any changes to SIM card.

With respect to claim 16, Takayama in view of Okkonen further teaches authentication engine (SIM card) which allows only plural wireless communication terminals possessed by an identical user to perform synchronization for the user data of the user in a storage unit in said server (Fig.140, #14000, par [2111-2115]).

With respect to claim 18, Takayama in view of Okkonen further teaches said authentication engine confirms that the user of the terminal that requested the synchronization is an authenticated user of said subscriber information card on the basis of personal Identification information being associated with said subscriber information card (par [2109; 2112], par [2115]).

With respect to claim 19, Takayama in view of Okkonen further teaches authentication engine (SIM card) confirms that the user is an authenticated user of the

terminal on the basis of personal identification information being associated with the wireless communication terminal (par [2109; 2112], par [2115]).

With respect to claim 20, Takayama in view of Okkonen further teaches authentication engine allows executing the synchronization under conditions that the terminal that requested the synchronization is confirmed to be the terminal that is associated with the subscriber information card in advance (par [2109; 2112], par [2115]) [The confirmation occurs when attaching the SIM card to the terminal].

With respect to claim 21, Takayama in view of Okkonen further teaches authentication stores in the subscriber identification information recorded in said subscriber information card and performing authentication, it is checked whether the subscriber identification information of the subscriber information card mounted on the terminal and the subscriber identification information stored in the memory of the terminal as a target for authentication match with each other, thereby confirming that the terminal requested the synchronization is a terminal being associated with said subscriber information card in advance (par [2109-2115]).

With respect to claim 22, Takayama in view Okkonen further teaches said authentication engine stores the terminal identification information recorded in the terminal in the memory in the subscriber information card mounted on the terminal, and in performing authentication, it is checked whether any of the plural terminal identification information stored in the memory in the subscriber information card and the terminal identification information recorded in the terminal as a target of the

authentication match with each other, thereby confirming that the terminal requested the synchronization is a terminal being associated with the subscriber information card in advance (par [2109-2115]) [The confirmation occurs when attaching the SIM card to the terminal].

With respect to claim 23, Takayama in view of Okkonen further teaches a card detector (Fig.140, #14002) which detects mounting and/or demounting of said subscriber information card, wherein, said terminal side synchronization engine (SIM card, Fig.140, 14000) accesses said server triggered by detecting the mounting and/or demounting of said subscriber information card, and requests execution of the synchronization (par [2111;2115]).

With respect to claim 24, Takayama in view of Okkonen further teaches a battery remaining amount detecting section said terminal side synchronization engine accesses said server triggered when the battery remaining amount becomes a predetermined level or less and requests execution of synchronization including at least data uploading (par [2113-2117]).

With respect to claim 25, Takayama in view of Okkonen further teaches said terminal side synchronization engine is provided with a judging engine which judges whether or not the terminal or not the terminal is in idle state and executes the synchronization process when said judging engine determines that the terminal is in idle state (par [2106-2108]).

With respect to claim 26, Takayama in view of Okkonen further teaches said terminal synchronization engine accesses said server in response to a directive from a user and uploads data as a target for uploading and then erases a predetermined data in the terminal all at once (par [2106-2108]).

With respect to claim 27, Takayama discloses A server being connected via a communication network with plural wireless communication terminals at least communication operation of which is enabled by mounting thereon a subscriber information card that records subscriber information, said server comprising:

a communication interface which performs data communication with said wireless communication terminals via the communication network (Fig.140, #110);

a storage unit which has a storage area to store a copy of the data that is stored in said plural wireless communication terminals (Fig.140, #14000, par [2106; 2109]); a server side synchronization engine which performs synchronization with said wireless communication terminals for user data stored in said storage unit, in accordance with a request from said wireless communication terminals said synchronization being performed with only data updated after the subscriber information card was mounted on one of the wireless communication terminals while leaving uploaded data stored in the wireless communication terminal (Fig.1, #110, par [2106; 2109], par [2110-2115) [when

attaching SIM card to a different terminal data is downloaded and synchronization is achieved]; and

an authentication engine (Fig.140, #14000) which allows only plural wireless communication terminals possessed by an identical user to perform synchronization for the user data of the user in the storage unit wherein said authentication engine allow synchronization to be executed at least under conditions that the user is confirmed to be an authenticated user of said subscriber information card and an authenticated user of the wireless communication terminal on which said subscriber information card is mounted (par [2111-2115], par [2106-2109]).

However, Takayama fails to teach said uploading being performed with only data updated after the subscriber information card was mounted on the first wireless communication terminal while leaving the uploaded data in the memory in the first wireless communication terminal even when the subscriber information card is dismounted from the first wireless communication terminal which is taught in the same field of endeavor by Okkonen (see Fig.5, par [0036-0042], Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Takayama the terminal with the agent as taught by Okkonen so as to determine any changes to SIM card.

With respect to claim 29, Takayama in view of Okkonen further discloses said authentication engine confirms that the user of the terminal that requested the synchronization is an authenticated user of said subscriber information card on the

basis of personal identification information being associated with said subscriber information card (par [2109; 2112], par [2115]).

With respect to claim 30, Takayama in view of Okkonen further teaches authentication engine (SIM card) confirms that the user is an authenticated user of the terminal on the basis of personal identification information being associated with the wireless communication terminal (par [2109; 2112], par [2115]).

With respect to claim 31, Takayama in view of Okkonen further teaches authentication engine allows executing the synchronization under conditions that the terminal that requested the synchronization is confirmed to be the terminal that is associated with the subscriber information card in advance (par [2109; 2112], par [2115]) [The confirmation occurs when attaching the SIM card to the terminal].

6. Claims 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (EP 0950 968 A1) and Okkonen in view of Utsumi (US 2005/0125344 A1).

With respect to claims 14 and 32, Takayama and Okkonen teaches all the limitations of claims 7 and 31except for a server comprises subscriber managing database to register the subscriber identification information of the subscriber information card and terminal identification information of plural wireless communication terminals of the user in such a manner as being associated with each other; said authentication engine receiving from the wireless communication terminal, subscriber identification information recorded in said subscriber information card and terminal

identification information of the wireless communication terminal on which the subscriber information card is mounted, and confirming that the terminal identification information thus received is registered in the subscriber managing database, in such a manner as being associated with the subscriber identification information thus received, thereby confirming that the terminal that requested the synchronization is a terminal that is associated with said subscriber information card in advance which is taught in related art by Utsumi (See par [0011]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Takayama to incorporate a server and a plurality of member-users and a database as taught by Utsumi so as to provide personal information verification method in an electronic commerce system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi
Examiner
Art Unit 2618

/Amar Daglawi/
Examiner, Art Unit 2618

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2618